



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2005

Darrell and Nancy McDonald
PO Box 102
Arco, ID 83213-0102

Re: Letter of May 3, 2005, District 34

Mr. and Mrs. McDonald,

This letter is a response to the issues raised in the above referenced letter, and reiterated in a meeting at the Idaho Department of Water Resources (Department) state office on May 4, 2005. I will attempt to respond to your concerns in the order they are listed in the letter.

The watermaster is required under the Water District 34 Distribution Rules to provide accounting of all water deliveries throughout the year. The Department will be requesting winter stockwater deliveries to canal headings during the upcoming non-irrigation season to assure compliance with the rules.

The Departments expectation of the watermaster is to record deliveries of natural flow and storage for water rights made to the legal point of diversion of the water right. In many cases in the Big Lost, the legal point of diversion is a private canal heading. Delivery of that water to the water right holders on the private canal is the responsibility of the Big Lost River Irrigation District (BLRID). The BLRID reports deliveries of water to canal headgates and individual users to the water district.

Statutory requirements (Idaho Code §42-606, *Reports of Watermasters*) do not obligate the watermaster to report the deliveries made to each users point of diversion, only the total sum of water delivered to that user throughout the district. The statutes authorize the Department to require additional information from the watermaster if deemed necessary. In the Big Lost basin, many users have multiple points of diversion, but the Department has not required the watermaster to report each delivery to a user by point of diversion. These records are kept mostly by BLRID, as you indicate in your letter. It is the Departments desire to begin receiving these records, preferable in a digital format. Obtaining these BLRID delivery records is currently a low priority for the Department, but we will pursue this task as staff time and resources become available.

Paragraph 2 in your letter refers to deliveries of water in canals that exceed the amount of decreed water for the priority date in effect. This could be occurring because the decrees that were on were not being called for, so water went to the next in time next in right. Since the river was not connected during this period in May 2004, the senior rights below the Blaine diversion were being rotated into storage under District 34 Rule 40.02.d.iii. Any calls for rotation from senior users should have been filled before allowing more junior users above the Blaine diversion to get water. Any suspicion of inappropriate delivery should be reported to the

watermaster following the protocol set forth in District 34 Rule 40.08, *Canal or Lateral Delivery*.

Paragraph 3 discusses the 2003 futile call Order. The 2003 futile call Order was mistakenly linked at the Department web site for the 2004 Order. The 2004 futile call Order is now linked correctly on the web site at: [http://www.idwr.idaho.gov/about/orders/Big Lost Futile Call 04.pdf](http://www.idwr.idaho.gov/about/orders/Big%20Lost%20Futile%20Call%2004.pdf). The 2004 Order lists the data requested from the watermaster by the Department, and were revised from the 2003 Order requirements.

Five additional issues are listed on page 2 of your letter. Issue 1 on page 2 can be answered by information in the Water District 34 Procedures Manual compiled this winter by the Department ([http://www.idwr.idaho.gov/water/districts/ProceduresManual Master.pdf](http://www.idwr.idaho.gov/water/districts/ProceduresManual%20Master.pdf)). The appropriate pages are attached describing how priority dates are determined.

Regarding Issue 2 on page 2, data used in figuring decrees are from ninety measured diversions, seven flow monitoring stations, and eight exchange wells. The answer to Issue 3 on page 2 is, yes, the seepage from the reservoir as measured at the 2B gage is used in figuring the decrees. In response to issue 4, the Sharp diversion is added to the flow at the 2B gage.

The last issue on page 2 of your letter is regarding losses in the river reach above the Leslie Bridge. Your calculations that derive a 59.81% loss for the reach do not account for outflow from the reach. The outflow is measured at the Leslie gage site. On the date shown in your example this outflow was reported as 166 cubic feet per second. Taking the reach outflow into account shows a net gain in the reach, not a loss. As we discussed in the meeting on May 4, the Department is not satisfied with the accuracy of the Leslie gage. The Department has been exploring funding possibilities to pay for installing and maintaining an automated gage at Leslie. We hope the funding becomes available.

I hope this helps to answer your questions and address your concerns. Call me at the above number if you have further questions.

Sincerely,



Steve Burrell
Water Distribution Section

Attachment - 4 pages

pc: IDWR Easter Region – Idaho Falls (w/c)
Bob Duke, Watermaster District 34 – Mackay (w/c)
Big Lost River Irrigation District – Mackay (w/c)
Richard Reynolds – 2800 N 3233 West, A0rco 83213
WD 34 – 2005 file (w/c)